

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Daniel N. McClure Neff**  
**fka Daniel N. Neff**  
Debtor(s)

Bankruptcy Case No.: 20-21072-JAD  
Issued per 9/24/2020 Proceeding  
Chapter: 13  
Docket No.: 38 - 9, 24  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 3/23/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Allied Financial [Claim #10] governs per terms of modified plan

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**(3.) IT IS FURTHER ORDERED THAT:**

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 2, 2020

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:  
Daniel N. McClure Neff  
Debtor(s)

Case No. 20-21072-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Oct 02, 2020

User: skoz  
Form ID: 149

Page 1 of 3  
Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 04, 2020:

Recip ID	Recipient Name and Address
db	+ Daniel N. McClure Neff, 1700 Patrick Place, Apartment T2, South Park, PA 15129-9244
15221428	+ Allegheny Health Network, 4 Allegheny Center, Fourth Floor, Pittsburgh, PA 15212-5234
15221429	+ Allegheny Radiology, P.O. Box 645367, Pittsburgh, PA 15264-5251
15221432	+ Center Pointe Sleep Assoc., 453 Valley Brook Road, Suite 400, McMurray, PA 15317-3371
15289705	+ FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184
15221436	+ FedLoan Servicing, Attn: Bankruptcy, Po Box 69184, Harrisburg, PA 17106-9184
15231436	+ Lakeview Loan Servicing, LLC, PO Box 840, Buffalo, NY 14240-0840
15221439	+ Matthew J Yankosek, 566 Delaware Ave., Washington, PA 15301-1804
15221440	+ Target, c/o Financial & Retail Srvs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475

TOTAL: 9

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 03 2020 02:11:42	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	Email/Text: bnc-quantum@quantum3group.com	Oct 03 2020 02:24:00	Quantum3 Group LLC, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
15221430	+ Email/Text: ally@ebn.phinsolutions.com	Oct 03 2020 02:24:00	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
15238466	Email/Text: ally@ebn.phinsolutions.com	Oct 03 2020 02:24:00	Ally Financial, PO Box 130424, Roseville MN 55113-0004
15221431	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 03 2020 02:09:58	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15229862	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 03 2020 02:11:41	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15221433	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 03 2020 02:24:00	Comenity Capital/Gamestop, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15221434	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Oct 03 2020 02:24:00	Comenitybank/hottpic, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15221435	Email/PDF: DellBKNotifications@resurgent.com	Oct 03 2020 02:13:26	Dell Financial Services, Attn: Bankruptcy, Po Box 81577, Austin, TX 78708
15221437	+ Email/Text: bnc-bluestem@quantum3group.com	Oct 03 2020 02:25:00	Fingerhut, Attn: Bankruptcy, Po Box 1250, Saint Cloud, MN 56395-1250
15221438	Email/Text: camanagement@mtb.com	Oct 03 2020 02:24:00	M&T Bank, P.O. Box 62182, Baltimore, MD 21264
15268955	Email/Text: bnc-quantum@quantum3group.com	Oct 03 2020 02:24:00	Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788

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15244813	Email/Text: bnc-quantum@quantum3group.com	Oct 03 2020 02:24:00	Quantum3 Group LLC as agent for, Bluestem and SCUSA, PO Box 788, Kirkland, WA 98083-0788
15244812	Email/Text: bnc-quantum@quantum3group.com	Oct 03 2020 02:24:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
15244814	Email/Text: bnc-quantum@quantum3group.com	Oct 03 2020 02:24:00	Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
15221695	+ Email/PDF: gecsedl@recoverycorp.com	Oct 03 2020 02:09:57	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15248831	+ Email/Text: bncmail@w-legal.com	Oct 03 2020 02:25:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15244855	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Oct 03 2020 02:10:02	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 18

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		LAKEVIEW LOAN SERVICING, LLC
15225238	*P++	DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577, address filed with court:, Dell Financial Services, LLC, Resurgent Capital Services, PO Box 10390, Greenville, SC 29603-0390

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309):** Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 04, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 2, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC bnicholas@kmlawgroup.com
David A. Rice	on behalf of Debtor Daniel N. McClure Neff ricelaw1@verizon.net lowdenscott@gmail.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Scott R. Lowden	on behalf of Debtor Daniel N. McClure Neff niclowlgl@comcast.net

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